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Casualty Insurance Company*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

LORELEI SOANES,
Plaintiff,

vs.

CAROLINA CASUALTY
INSURANCE COMPANY and BIG
SKY ADJUSTORS, INC., A Montana
Corporation,
Defendants.

) Cause No.: CV-10-46-BU-RFC

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) **PETITION FOR REMOVAL TO
U.S. DISTRICT COURT**
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TO: THE HONORABLE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MONTANA, BUTTE DIVISION

COMES NOW, Defendant Carolina Casualty Insurance Company and
hereby gives notice to the above named Court for removal of this cause from the
Montana Second Judicial District Court, Silver Bow County, Cause No. DV-10-
253, to the above named United States District Court, Butte Division, pursuant to
28 U.S.C. § 1446, and for its grounds for removal alleges:

1. That the action is a civil action filed by Plaintiff Lorelei Soanes seeking money damages for bad faith under both the Montana Unfair Trade practices Act and common law that was commenced June 21, 2010 by filing a Complaint in the Montana Second Judicial District Court, Silver Bow County; that at all times involved, Plaintiff has been and now is a citizen of Canada; and that at all times herein, Defendant Carolina Casualty Insurance Company has been and now is a corporation organized and existing under the laws of the State of Iowa with its principle place of business in Jacksonville, Florida. Defendant Big Sky Adjustors Inc. is a Montana corporation with its principle place of business in Butte, Silver Bow County, Montana.

2. From the contents of the Complaint it reasonably appears that the matter in controversy, exclusive of interest and costs, exceeds the sum of seventy-five thousand dollars (\$75,000.00) and complete diversity exists between Plaintiff Lorelei Soanes, a citizen and resident of Canada; and Defendant Carolina Casualty Insurance Company, a company of the state of Iowa in that it was at the time of filing said action, and ever since such filing has been and now is, a Corporation organized, created and existing under the laws of the State of Iowa and has its principal place of business in a state other than Montana; and Defendant Big Sky Adjustors Inc., a Montana corporation. The above entitled Court has jurisdiction of this case under and by virtue of the provisions of 28 U.S.C. § 1332. The amount in controversy, exclusive of costs and fees, exceeds the sum of \$75,000.00. The Complaint seeks recovery of damages including emotional distress, loss of use of the money, and punitive damages. (Attached as Exhibit "A"). The Complaint did not make it clear that the amount in controversy exceeded \$75,000.00. Plaintiff, at the request of Defendant Big Sky Adjustors, Inc., filed a Statement of Claim on August 26, 2010 stating that she believed her

emotional distress damages could exceed \$300,000, that she was seeking a judgment for the loss of use of \$867,000, and punitive damages. (Attached as Exhibit "B"). It became clear on August 26, 2010 that the amount in controversy exceeded \$75,000.00, allowing Defendants 30 days to remove the action pursuant to 28 U.S.C. § 1446(b).

3. That on or about June 29, 2010, Plaintiff mailed a summons and complaint to the Montana Commissioner of Insurance in order to serve Defendant. Attached hereto and marked as Exhibit "A" is a copy of the summons, complaint, and Commissioner of Insurance letter served on Defendant Carolina Casualty Insurance Company.

4. That this Notice is filed within 30 days after receipt by Defendant Carolina Casualty Insurance Company, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable. (Exhibit "B")

5. That Defendant Carolina Casualty Insurance Company will, upon filing of this Notice of Removal, forthwith gave written notice thereof to the above named Plaintiff and co-Defendant and filed with the Montana Second Judicial District Court, Silver Bow County, the Notice of its filing and request for transfer pursuant to Mont. R. Civ. P. 77(e), by which acts the above entitled cause is removed from such state district court to the above captioned United States District Court (Attached as Exhibit "C").

DATED this 8th day of September, 2010.

By: /s/ Scott G. Gratton
Scott G. Gratton
BROWN LAW FIRM, P.C.
*Attorney for Defendant Carolina
Casualty Insurance Company*

CERTIFICATE OF SERVICE

I hereby certify that, on September 8th, 2010, a copy of this notice of removal was served on the following person(s):

1. U.S District Court, Butte Division
2. Montana Second Judicial District Court, Silver Bow County
Clerk of District Court
155 W. Granite St., Room 313
Butte, MT 59701
3. Alexander (Zander) Blewett, III
Kurt M. Jackson
HOYT & BLEWETT PLLC
P. O. Box 2807
Great Falls, MT 59403-2807

and

Sara R. Sexe
MARRA, SEXE, EVENSON & BELL, P.C.
P. O. Box 1525
Great Falls, MT 59403-1525
Attorneys for Plaintiff

4. Mark A. Vucurovich, ESQ.
HENNINGSEN, VUCUROVICH
& RICHARDSON, P.C.
116 West Granite, P.O. Box 399
Butte, MT 59701
Attorneys for Defendant Big Sky Adjusters, Inc.

by the following means:

<u>1, 3</u> CM/ECF	_____ Fax
_____ Hand Delivery	_____ E-Mail
<u>2</u> U.S. Mail	_____ Overnight Delivery Services

By: /s/ Scott G. Gratton

Scott G. Gratton
BROWN LAW FIRM, P.C.
*Attorney for Defendant Carolina
Casualty Insurance Company*